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## NOTICE OF ALLOWANCE AND FEE(S) DUE

530 7590 03/27/2009

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER

MCCLENDON, SANZA L.

ART UNIT

PAPER NUMBER

1796

DATE MAILED: 03/27/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,895	10/03/2005	Giovanni Gentilecore	SCIMAT 3.3-012	9660

TITLE OF INVENTION: POROUS POLYMERIC ARTICLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	06/29/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

530 7590 03/27/2009

**LERNER, DAVID, LITTENBERG,  
 KRUMHOLZ & MENTLIK  
 600 SOUTH AVENUE WEST  
 WESTFIELD, NJ 07090**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,895 10/03/2005

Giovanni Gentilecote

SCIMAT 3.3-012

9660

TITLE OF INVENTION: POROUS POLYMERIC ARTICLE

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nonprovisional	YES	\$755	\$300	\$0	\$1055	06/29/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
MCCLENDON, SANZA L	1796	522-120000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-112) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/525,895	10/03/2005	Giovanni Gentilcore	SCIMAT 3.3-012	9660
530	7590	03/27/2009	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			MCCLENDON, SANZA L.	
			ART UNIT	PAPER NUMBER
			1796	
DATE MAILED: 03/27/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 575 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 575 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/525,895

**Examiner**

Sanza L. McClendon

**Applicant(s)**

GENTILCORE ET AL.

**Art Unit**

1796

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/15/2008.
2. ☒ The allowed claim(s) is/are 15-20 and 22-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

PTP-892 has machine translation of JP references found on search report.

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Amendment received on December 15, 2008, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 1-14 and 21, as well as, the addition of new claims 23-37.

### ***Response to Arguments***

2. Applicant's arguments, see Amendment/Remarks, filed December 15, 2008, with respect to claims 15-20 and 22-37 have been fully considered and are persuasive. The rejection of claims 1-20 and 22 under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as unpatentable over Lazear et al (4,346,142) has been withdrawn. Lazear et al has been withdrawn because Lazear et al fails to teach a method of making a porous polymeric article having polymerized chains grafted therefrom, wherein the method includes impregnating a porous polymeric article with a solution of a first vinyl monomer and a second vinyl monomer in a ratio of at least 1.5 of 1st vinyl to 2nd vinyl monomer and exposing said impregnated article to ultraviolet radiation in a restricted oxygen atmosphere. Wherein the exposure causes the first vinyl monomer the form grafts on the substrate surface and the 2nd vinyl polymer reacts with the polymerized chains of the first monomer. Lazear et al on the other hand does not teach or render obvious the selection of 1<sup>st</sup> monomer and second monomer, such that the 1<sup>st</sup> monomer reacts with surface and the second monomer reacts with the first monomer to form copolymerized graft chains nor does Lazear et al teach the 1st vinyl monomer to 2nd vinyl monomer ratio. Additionally Lazear et al teaches polymerization by electron beam and not ultraviolet radiation and thus does not teach the addition of an initiator as in claim 23. Lazear et al also does not give any discrimination between the selection of monomers, i.e., that one (2<sup>nd</sup> monomer) has to be selected from vinyl phosphoric or sulphonic acid, salts and esters thereof (claim 31). Therefore it is deemed that the product is differentiated from the instantly

claimed product, not only by method of obtaining by also by characteristics and properties (see examples and comparative examples in the instant disclosure).

3. The rejection of claims 1, 5, 7-11 and 13-14 under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as unpatentable over McLoughlin et al (6,537,695) has been withdrawn in view of the cancellation of claims 1-14. McLoughlin et al fails to teach a method of making a porous polymeric article having polymerized chains grafted therefrom, wherein the method includes impregnating a porous polymeric article with a solution of a first vinyl monomer and a second vinyl monomer in a ratio of at least 1.5 of 1st vinyl to 2nd vinyl monomer and exposing said impregnated article to ultraviolet radiation in a restricted oxygen atmosphere. Wherein the exposure causes the first vinyl monomer the form grafts on the substrate surface and the 2nd vinyl polymer reacts with the polymerized chains of the first monomer. McLoughlin et al on the other hand does not teach or render obvious the selection of 1<sup>st</sup> monomer and second monomer, such that the 1<sup>st</sup> monomer reacts with surface and the second monomer reacts with the first monomer to form copolymerized graft chains nor does McLoughlin et al teach the 1st vinyl monomer to 2nd vinyl monomer ratio. McLoughlin et al also does not give any discrimination between the selection of monomers, i.e., that one (2<sup>nd</sup> monomer) has to be selected from vinyl phosphoric or sulphonic acid, salts and esters thereof (claim 31). Therefore it is deemed that the product is differentiated from the instantly claimed product, not only by method of obtaining by also by characteristics and properties (see examples and comparative examples in the instant disclosure).

4. The rejection of claims 1, 5, 7-11 and 13-14 under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as unpatentable over Sugo et al (5,648,400) has been withdrawn. Sugo et al has been withdrawn because Sugo et al fails to teach a method of making a porous polymeric article having polymerized chains grafted therefrom, wherein the method includes impregnating a porous polymeric article with a solution of a first vinyl monomer and a second vinyl monomer in a ratio of at least 1.5 of 1st vinyl to 2nd vinyl monomer and exposing said impregnated article to ultraviolet radiation in a restricted oxygen atmosphere. Wherein the exposure causes the first vinyl monomer the form grafts on the substrate surface and the 2nd vinyl polymer reacts with the polymerized chains of the first

monomer. Sugo et al on the other hand does not teach or render obvious the selection of 1<sup>st</sup> monomer and second monomer, such that the 1<sup>st</sup> monomer reacts with surface and the second monomer reacts with the first monomer to form copolymerized graft chains nor does Sugo et al teach the 1st vinyl monomer to 2nd vinyl monomer ratio. Additionally Sugo et al teaches polymerization by electron beam and not ultraviolet radiation and thus does not teach the addition of an initiator as in claim 23. Sugo et al also does not give any discrimination between the selection of monomers, i.e., that one (2<sup>nd</sup> monomer) has to be selected from vinyl phosphoric or sulphonic acid, salts and esters thereof (claim 31). Therefore it is deemed that the product is differentiated from the instantly claimed product, not only by method of obtaining by also by characteristics and properties (see examples and comparative examples in the instant disclosure).

5. Additionally, it is deemed by the examiner that the instantly defined method and the documents listed on the international search reports. Of the listed US5,922,417; US5,830,604; and WO 93/01622 are the closest prior art of the cited documents because they teach impregnating a porous substrate with an acrylic solution and an initiator and polymerizing by exposure to UV radiation to obtain a hydrophilic surface on a substrate. The difference being these references do not provide guidance on which monomers to select as 1st and 2nd monomers, i.e., no molar ratio provided, The examples found in these references teach only polymerization of acrylic acid and not 2nd copolymerizable monomers. While copolymerization is suggested, there is no guidance on which monomers to select and which molar ratio to provide them. Thus one of ordinary skill in the art using these references would not be able to obtain the instantly claimed invention.

***Allowable Subject Matter***

6. Claims 1—20 and 22-37 are allowed.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sanza L McClendon/  
Primary Examiner,  
Art Unit 1796

SMc